

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

<b>DANIELLE R. BARBARA and JOHN</b>	§	
<b>S. BARBARA, III; NOEL D.S. BITNER;</b>	§	
<b>ARRIS BRUNET; CHARLES</b>	§	
<b>CADRECHA; RAUL DALMAU and</b>	§	
<b>LINDE DALMAU; DOROTHY</b>	§	
<b>DELOTEUS; RAY DELOTEUS;</b>	§	
<b>EXCELAND, LLC; LINDA GARRETT;</b>	§	
<b>PHILLIS GARRETT; JOSEPH A.</b>	§	
<b>GRUBER and TAEKO GRUBER;</b>	§	
<b>PAULINE E. KYSER; BERYL G.</b>	§	
<b>LARSEN; AL LEWANDO; MELANIE</b>	§	
<b>McMAHON; FREDRICK MIKILL</b>	§	
<b>and PAMELA MIKILL; RENE' A.</b>	§	
<b>STIEGLER and KINTA C. STIEGLER;</b>	§	
<b>ERIC TANZBERGER and ELIZABETH</b>	§	
<b>TANZBERGER; PETER THRIFFERLY</b>	§	
<b>and JENNETTE THRIFFERLY;</b>	§	
<b>JOHN F. VOGT, JR; BEVERLY</b>	§	
<b>HUGHES WATTS; BETTY SILLS</b>	§	
<b>WORTHINGTON; and JOAN T. YOUNG</b>	§	<b>PLAINTIFFS</b>
	§	
<b>v.</b>	§	<b>Civil Action No. 1:08CV1365-LG-RHW</b>
	§	
<b>CERTAIN UNDERWRITERS AT</b>	§	
<b>LLOYD'S, LONDON</b>	§	<b>DEFENDANTS</b>

**ORDER REQUIRING BRIEFS ON SUBJECT MATTER JURISDICTION**

**THIS MATTER IS BEFORE THE COURT** *sua sponte*, for the purpose of requiring briefs on the issue of subject matter jurisdiction. The plaintiffs filed this lawsuit on October 27, 2008, asserting that diversity jurisdiction exists in this matter. However, the Complaint makes no allegations regarding the citizenship of each of the plaintiffs to this lawsuit. Additionally, the Complaint incorrectly states that Certain Underwriters at Lloyd's is a "corporation organized and existing under the laws of England . . . ." (Compl. at 2).

The Fifth Circuit has explained: "Lloyds of London is not an insurance company but

rather a self-regulating entity which operates and controls an insurance market . . . . The Lloyd[s] entity provides a market for the buying and selling of insurance risk among its members who collectively make up Lloyd[s].” *Corfield v. Dallas Glen Hills LP*, 355 F.3d 853, 857-58 (5th Cir. 2003) (internal citations omitted). Thus, Lloyds is comprised of individuals and corporations who finance its insurance market. *Corfield*, 355 F.3d at 858. These individuals and corporations are divided into syndicates. *Id.* Liability on a Lloyds policy is borne by the individual and corporate members that belong to the syndicate that subscribes to that policy. *Id.* The citizenship of the individuals and/or corporations that would be liable for claims asserted under the policy at issue in the present lawsuit has not been provided to the Court.

The Court also notes that one of the plaintiffs to this lawsuit, Exceland, LLC, is a limited liability company. A limited liability company’s citizenship is based on the citizenship of each of its members. *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008). The citizenship of Exceland, LLC’s members has not been provided to the Court.

For these reasons, the Court has not been able to determine whether diversity jurisdiction exists in this lawsuit. As a result, the parties will be required to submit briefs to the Court regarding the existence of subject matter jurisdiction.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the parties are required to provide briefs to the Court regarding whether subject matter jurisdiction exists in this matter within 15 days of the date of this Order.

**SO ORDERED AND ADJUDGED** this the 23<sup>rd</sup> day of April, 2009.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.

UNITED STATES DISTRICT JUDGE